

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of the Commission's Amateur Radio Service Rules to Permit Greater Flexibility in Digital Data Communications)	RM-11708
)	

To: The Chief, Wireless Telecommunication Bureau
Via: Office of the Secretary

COMMENTS ON PETITION FOR RULEMAKING

1. In Petition For Rulemaking RM-11708 ("PFR"), you are being asked to initiate a rulemaking aimed at relieving our amateur service *of outdated, 1980s-era restrictions that presently hamper or preclude Amateur Radio experimentation with modern High Frequency (HF) and other data transmission protocols*. The need by some segment of our amateur service community for the requested relief appears to be valid and timely.

Unnecessary rules that hamper or preclude amateur radio experimentation with transmission protocols, moreover, are inconsistent with our regulator's promise to our amateur service community - in 47 CFR Part 97 Section 97.1(b) - that its *rules and regulations are designed to provide an amateur service having a fundamental purpose as expressed in the principle of continuing and extending the amateur's proven ability to contribute to the advancement of the radio art*.

2. When formulating your decision, however, please keep in mind that a somewhat similar PFR calling for amendment to 47 CFR Section 97.311 - filed with the FCC on March 13, 2006 - was concluded only after a rulemaking period lasting over 5 years. That lengthy interval demonstrated to our amateur service community that codifying and re-codifying outdate-able technical standards bears with it the burden of uncertainty and the unknown delay of the rule making process.

3. More specifically, the PFR RM-11708 seeks relief from rules codified in 47 CFR Part 97 Subpart D *Technical Standards*. Sections 97.305 through 97.311 of this Subpart also contain even more similar detailed technical standards. They were probably codified to be within the existing capability of our regulator's monitoring stations at their time of their adoption. Fortunately, there is now in place a more narrowly focused safeguard that can better accomplish any necessary over-the-air maintenance monitoring. Under the 1984 Agreement, our Amateur Auxiliary volunteers have compiled three decades of amateur station radio transmissions maintenance monitoring on behalf of our regulator.

The more productive way to proceed, therefore, is to propose for rulemaking the deletion of the column

under the heading “**Standards**” in Section 97.305 as well as deleting Sections 97.307 through 97.311 in their entirety. In their steads, the following alternate rule is suggested:

(Suggested) **Section 97.306 Emissions authorized**

An amateur station is authorized by this section to transmit any emission type, any emission protocol, and any RTTY and data emission code for which the Amateur Auxiliary has announced publically that it has the capability to maintenance monitor.

4. Please affirm our regulator’s *principle of continuing and extending the amateur’s proven ability to contribute to the advancement of the radio art* as promised in Section 97.1(b). Propose the above-suggested alternate rule and help bring a conclusion to the need for future rulemaking petitions such as RM-11708.

Respectfully submitted,

John B. Johnston
W3BE
FRN 0003115342
November 24, 2013